

2013 DRAFTING REQUEST

Assembly Joint Resolution

Received: 12/26/2012 Received By: smiller
Wanted: As time permits Same as LRB:
For: Gary Hebl (608) 266-7678 By/Representing: Mike Murray
May Contact: Drafter: smiller
Subject: Constitutional Amendments Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Hebl@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Temporary service by a court of appeals judge in the supreme court in judicial disciplinary proceedings

Instructions:

2011 AJR 128 (11-3733)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 12/26/2012	kfollett 1/14/2013	rschluet 1/14/2013	_____			
/1				_____	srose 1/14/2013	srose 4/1/2013	

FE Sent For:

<END>

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FE Sent For:

<END>

Miller, Steve

From: Murray, Mike
Sent: Wednesday, December 26, 2012 11:51 AM
To: Miller, Steve
Subject: redraft requests

Hi Steve,

Rep. Hebl was hoping to redraft LRB 3732/1 and 3733/1 for the upcoming session. He does not need any changes to the drafts.

Thanks for all of your help and please let me know if you need any other information. I hope that you are having a nice holiday season.

Mike

Mike Murray
Office of Rep. Gary Hebl
46th Assembly District



State of Wisconsin
2011 - 2012 LEGISLATURE

1/16 Wed
(Cm)

0913/1



LRB-3733/1
SRM:kjf:jm

2011 ASSEMBLY JOINT RESOLUTION 128

in 12/26

March 8, 2012 – Introduced by Representatives HEBL, JORGENSEN, ROYS, C. TAYLOR, BERCEAU, TURNER, PASCH, RICHARDS, BEWLEY, POPE-ROBERTS and KESSLER, cosponsored by Senators S. COGGS and C. LARSON. Referred to Committee on Judiciary and Ethics.

Regen

- 1 **To amend** section 4 (3) of article VII and section 11 of article VII of the constitution;
- 2 **relating to:** temporary service by a court of appeals judge in the supreme court
- 3 in judicial disciplinary proceedings (first consideration).

Analysis by the Legislative Reference Bureau

Article VII, section 11, of the Wisconsin Constitution, provides that justices and judges are subject to reprimand, censure, suspension, or removal for cause or for disability by the supreme court pursuant to procedures established by the legislature. Article VII, section 4 (3), of the Wisconsin Constitution, prohibits the temporary appointment of a court of appeals judge or circuit court judge to the supreme court.

2013

This proposed constitutional amendment, proposed to the 2011 legislature on first consideration, requires that the supreme court assign on a temporary basis a court of appeals judge to aid in the proper disposition of judicial disciplinary proceedings in the supreme court to provide an odd number of justices for the consideration of the proceedings. The person assigned must be the most senior court of appeals judge eligible to be assigned.

Under current statutory law, the judicial commission is charged with investigating the alleged misconduct or permanent disability of a judge. If the judicial commission finds probable cause that a judge is engaging or has engaged in misconduct, it files a formal complaint with the supreme court. If the judicial commission finds probable cause that a judge has a permanent disability, it files a petition with the supreme court [s. 757.85, stats.].

After the judicial commission finds probable cause of misconduct or permanent disability and before it files a complaint or petition, the matter is heard by a panel

consisting of either three court of appeals judges or two court of appeals judges and one reserve judge or by a jury. The supreme court reviews the findings of fact, conclusions of law, and recommendations submitted following the hearing and determines appropriate discipline or action [ss. 757.87 and 757.91, stats.].

This amendment was prepared for the Joint Legislative Council's Special Committee on Judicial Discipline and Recusal.

A constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it becomes effective.

2010

Resolved by the assembly, the senate concurring, That:

SECTION 1. Section 4 (3) of article VII of the constitution is amended to read:

[Article VII] Section 4 (3) The chief justice of the supreme court shall be the administrative head of the judicial system and shall exercise this administrative authority pursuant to procedures adopted by the supreme court. The chief justice may assign any judge of a court of record to aid in the proper disposition of judicial business in any court of record except the supreme court unless assigned to the supreme court on a temporary basis under section 11.

SECTION 2. Section 11 of article VII of the constitution is amended to read:

[Article VII] Section 11. Each justice or judge shall be subject to reprimand, censure, suspension, removal for cause or for disability, by the supreme court pursuant to procedures established by the legislature by law. No justice or judge removed for cause shall be eligible for reappointment or temporary service. This section is alternative to, and cumulative with, the methods of removal provided in sections 1 and 13 of this article and section 12 of article XIII. The supreme court shall assign on a temporary basis any person who has been elected to and is serving as a judge of the court of appeals to aid in the proper disposition of judicial business under this section in the supreme court to provide an odd number of justices for the consideration of that business. The person assigned shall be the most senior judge of the court of appeals, based upon days of service, who is eligible to be assigned.

1 ***Be it further resolved, That*** this proposed amendment be referred to the
2 legislature to be chosen at the next general election and that it be published for three
3 months previous to the time of holding such election.

4 (END)

Rose, Stefanie

From: Murray, Mike
Sent: Monday, April 01, 2013 9:06 AM
To: LRB.Legal
Subject: Draft Review: LRB -0913/1 Topic: Temporary service by a court of appeals judge in the supreme court in judicial disciplinary proceedings

Please Jacket LRB -0913/1 for the ASSEMBLY.